

CITY OF DURHAM
ORDER PERMANENTLY CLOSING 482 SQUARE FEET OF IDA STREET
(SC1000004)

WHEREAS, the Durham City Council has delegated the authority to set public hearings to the City Manager as authorized by Durham City Charter; and

WHEREAS, the City Manager set a public hearing regarding the closing of the street or alley or portion thereof that is generally described in the caption of this order and that is more fully described in **Attachment A**, attached hereto and incorporated herein for **January 3, 2011**; and

WHEREAS, the Resolution provided for the holding of a public hearing on the question of whether said street should be permanently closed; and

WHEREAS, notice of the closing of said street was sent by registered or certified mail to all owners as shown on County Tax Records of property adjoining the street to be closed; and

WHEREAS, a notice of the closing and public hearing was prominently posted in at least two places along the street to be closed; and

WHEREAS, the notice of the closing and public hearing was published once a week for four successive calendar weeks; and

WHEREAS, this matter came for hearing before the Durham City Council at its regular meeting on **January 3, 2011** meeting and all persons who desired to be heard were heard at that time.

NOW, THEREFORE, the City Council of the City of Durham having carefully considered the question of permanently closing the street or alley or portion thereof as it more fully described in **Attachment A**, finds:

1. That closing of the street or alley described in **Attachment A** is not contrary to the public interest, and
2. No individual owning property in the vicinity of the street would thereby be deprived of reasonable means of ingress or egress to his or her property.

IT IS THEREFORE, ORDERED:

1. That the street described in **Attachment A** is permanently closed under the authority of GS 160A-299(c).
2. That utility easements that may be referenced in **Attachment A** or shown on the plat referenced in Attachment A shall be retained by the City, and that easements owned by private utility companies that are shown on such plat be retained by the private utilities indicated.
3. That a certified copy of this Order and the plat referred to in **Attachment A** shall be filed in the Office of the Register of Deeds of Durham County, North Carolina.
4. That property owners adjacent to the closed street shall take right, title, and interest as is provided in GS 160A-299 (c), as may be further illustrated on the plat referenced in **Attachment A**.
5. That closing is conditioned on the recombination of lots deemed sufficient by the City.
6. That this Order is effective upon and after the date of its adoption as shown by the stamp of the City Clerk below.

LEGAL DESCRIPTION
Ida Street
Durham, N.C. 27705

ALL THAT CERTAIN Tract or Parcel of Land Situate in the City of Durham and in the State of North Carolina, being more particularly described as follows:

Beginning at a point on the southwesterly right of way of Ida Street, (Existing 30' Public Right of Way) said point being the western corner of the lands now or formerly of Coral Stone LLC, as described in Deed Book 2248, Page 601 of the Durham County Registry and from said beginning point runs; thence, along said right of way of Ida Street, N47°42'04"E, 30.59 feet to a point in the northwesterly property line of lands now or formerly Coral Stone LLC, as described in Deed Book 2248, Page 601 of the Durham County Registry; thence N86°51'06"W, 44.27 feet along the southern boundary line of lands now or formerly of Fortune Bay Associates, as described in Deed Book 2160, Page 68 of the Durham County Registry to a point at the northeasterly corner of the lands now or formerly Juan De Dios Larios-Garcia as described in Deed Book 3258, Page 54 of the Durham County Registry; thence, along new right of way line S43°08'44"E, 31.49 feet to the point and or place of beginning.

SAID ABOVE DESCRIBED Tract or Parcel of Land containing within said bounds 482 S.F. or 0.011 Acres of land.

SAID ABOVE DESCRIBED Tract or Parcel of Land herein described is Total Right of Way Removed as illustrated on a certain recombination survey entitled "Final Plat – Street Closing Map" Prepared by Jerry L. Hunt with a survey date of April 19, 2010 and filed in the Durham County Register of Deeds Office in Plat Book _____, Page _____.

NORTH CAROLINA
DURHAM COUNTY

I, _____, Notary Public of the aforesaid County and State, certify that personally appeared before me this day _____ City Clerk of the City of Durham, who duly certified and acknowledged that the foregoing constitutes a true and accurate copy of the order adopted by the City Council of the City of Durham at its meeting held _____, 20____, as the same is taken from and compared with the recordation of said order in Ordinance Book _____, at Pages _____, in the Office of the City Clerk.

Witness my hand and notarial seal, this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

The foregoing certificate of _____, notary public of _____ County, NC, is certified to be in due form and correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on this instrument.

WILLIE L. COVINGTON, REGISTER OF DEEDS
FOR DURHAM COUNTY, NORTH CAROLINA

By _____
Deputy Register of Deeds